

Exhibit No. 5Date 2-16-09Bill No. SB 432**Medical Malpractice Legislation – SB 432**

Creation of panel. The Montana medical legal panel is created.
Medical malpractice noneconomic damages limitation. an award for past and future damages for noneconomic loss may \$250,000.

Periodic payment of future damages in medical malpractice cases. \$50,000 or more of future damages\$100,000 for

Actions for medical malpractice. Statute of limitations 3 years, but in no case may an action be commenced after 5 years of injury. in an action for death or injury of a minor who was under the age of 4 on the date of the minor's injury, the period s in subsection (1) begins to run when the minor reaches the minor's eighth birthday or dies, whichever occurs first.

2005 Bills

Bill	Sponsor	Short Title
HB 24	George Golie	Restrict evidence of expressions of sympathy - admission of fault not covered; U of Michigan did this without statute and cut number of malpractice suits in half.
HB 25	Don Roberts	Limit health care provider liability for other person's act or omission - captain of the ship limited to persons "under the control" of health care provider.
HB 26	George Golie	Restrict liability of health care provider for ostensible agency - requires hospitals to assure that doctors not employed by hospital carry adequate malpractice insurance coverage.
HB 64	Roy Brown	Statutory criteria for expert witness in malpractice cases - puts in statute the current court requirements for expert qualifications.
HB 331	David E Wanzenried	Joint underwriting association for medical malpractice insurance - supported by MTLA, doctors & hospitals, insurers have amended to make it meaningless.
SB 21	Duane Grimes	Restrict damages for reduced chance of patient's recovery - codifies loss of chance, 100% of damages if more likely than not patient would have recovered but for negligence, only a portion of damages if recovery less than more likely than not.
SB 316	Greg Lind	Revise reporting mechanism for medical malpractice insurers
SB 322	Kim Gillan	Limit duty of physician performing independent medical exam - codifies Webb duty for examinations; no duty to discover unrelated medical conditions; duty to inform of differential diagnoses.
SB 352	Duane Grimes	Clarify inadmissibility of medical malpractice legal panel decisions - can't use medical legal panel decisions in further court actions; neither side can use in bad faith actions.

Special Medical Malpractice Legislation – SB 432

27-6-104. Creation of panel. The Montana medical legal panel is created.

25-9-411. Medical malpractice noneconomic damages limitation. an award for past and future damages for noneconomic loss may not exceed \$250,000.

25-9-412. Periodic payment of future damages in medical malpractice cases. \$50,000 or more of future damages\$100,000 for others.

27-2-205. Actions for medical malpractice. Statute of limitations 3 years, but in no case may an action be commenced after 5 years from the date of injury. in an action for death or injury of a minor who was under the age of 4 on the date of the minor's injury, the period of limitations in subsection (1) begins to run when the minor reaches the minor's eighth birthday or dies, whichever occurs first.

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